

RESPONSE TO OBJECTION TO TITLE

Applicant acknowledges the objection to the title, and requests that a new title be suggested.

One reason for this request is that the existing title appears to comply with the relevant requirements. However, the undersigned attorney has the belief that patent Examiners prefer titles which are highly detailed and therefore assist the Examiners in the future when examining the titles in performing searches.

While the rules do not require such detail in titles, Applicant has no objection to adding such detail. However, Applicant has no way of knowing what type of detail is desired, and therefore requests that a new title be suggested.

RESPONSE TO 102 - REJECTIONS

Summary of Response

Most, if not all, independent claims in this section state that a "tag" identifies a "resource address" (eg, a web site). The "resource address" contains information from a plurality of "information suppliers," and that information is downloaded.

That is, a **single** web site (the "resource address") delivers information obtained from a **plurality** of information suppliers.

The Perkowski reference refers to multiple tags, but each refers to a **single** web site. That is, each tag identifies a single web site, so multiple tags would identify multiple web sites. The

claims do not recite that. Where is the "resource address," which contains the information from a plurality of information suppliers, which downloads that information ?

Perkowski also refers to a tag causing a "menu" of multiple URLs to be generated. But those URLs do not correspond to the claimed plurality of "information suppliers." One reason is that they are not downloaded, unless a user requests and, even then, only a single one is downloaded at a time. Another reason is that these URLs are not downloaded through (or from) the claimed "resource address." Each one originates from its own URL address.

In addition, some claims state that **multiple** web sites (multiple "resource addresses") are obtained from a **single** tag. Perkowski does not show that.

End Summary

Claims 1 - 10, 12, 13, and 15 - 26 were rejected on grounds of anticipation, based on Perkowski.

Claim 1

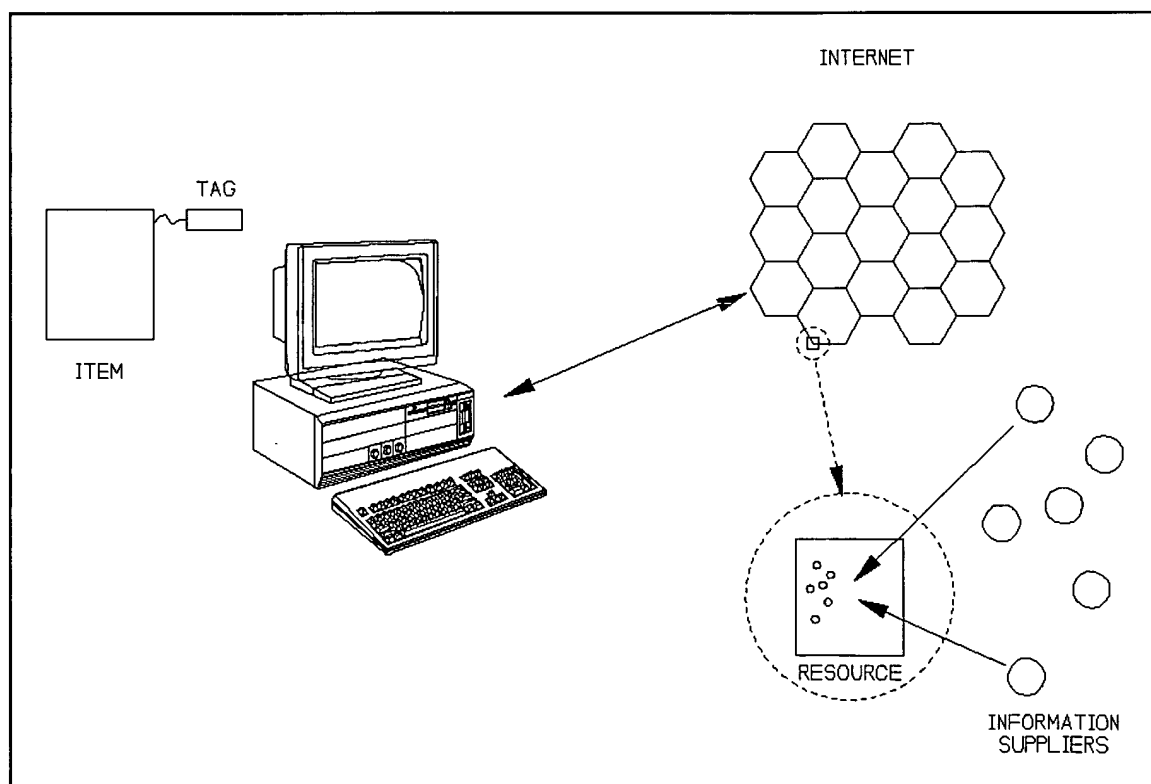
Claim 1 recites:

1. An interface method for use in accessing information from a plurality of information suppliers, the method comprising:
machine-reading a tag carried by an item; and

in response to data carried by the tag, identifying an information resource address carried by the tag and accessing the identified resource to download from that resource information aggregated from the plurality of information suppliers.

Sketches 1 and 2, below, illustrate exemplary subject matter on which claim 1 may read.

Sketch 1 shows an ITEM, an attached TAG, and the "plurality of information suppliers."



Sketch 1

The TAG contains a web address. Under the language of claim 1, the TAG identifies an "information resource address." Sketch 1 shows the "resource."

Claim 1 states,

. . . accessing the identified resource
to

download from that resource information
aggregated from the plurality of information
suppliers.

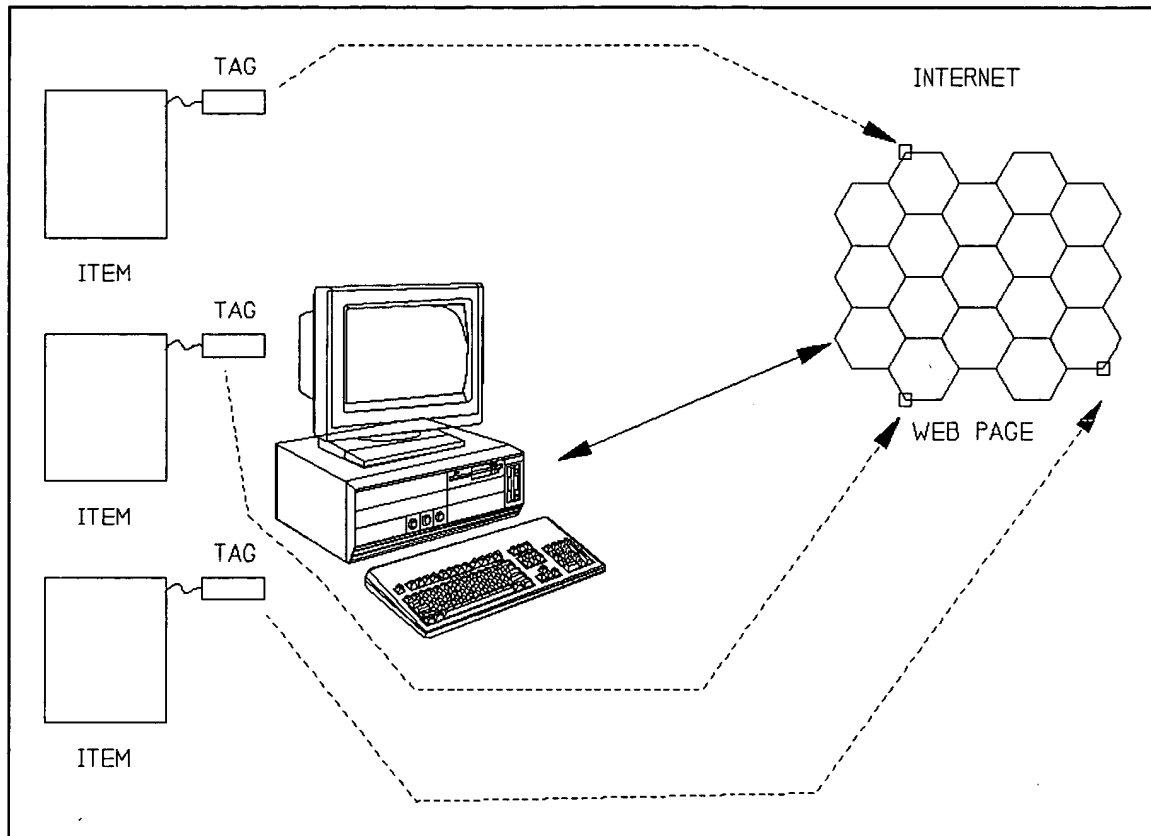
Thus, under claim 1,

-- "information [is] aggregated from the
plurality of information suppliers
and
-- that aggregated information is downloaded
from the "resource."

To repeat, information collected from multiple suppliers is downloaded from the **single** "resource." And the address of that "resource" is identified from the "tag."

That overall operation is not found in Perkowski.

Sketch 2, below, illustrates one mode of operation in Perkowski, which will be explained.



Sketch 2

re: Perkowski Page 10, Line 24 - Page 11, Line 25

As Perkowski explains on page 10, line 24 - page 11, line 25, a **single** web page is identified by each product (bearing a tag), as indicated in Sketch 2.

As a technical matter, Applicant points out that Perkowski, page 11, lines 2 and 3, refers to "UPC numbers linked to URLs pointing [to] web pages containing . . . product . . .

information." ("UPC" refers to Uniform Product Code and "URL" refers to Uniform Resource Address, that is, a web address.) That is, Perkowski refers to multiple "UPC numbers" which are "linked to" multiple "URLs." That does not mean that a **single** "UPC number" is linked to **multiple** URLs. It means that several "UPC numbers" are present, and each is linked to its own URL.

But even if Perkowski is referring to a **single** "UPC number" connected to **multiple** URLs, that still does not show claim 1. One reason is that Perkowski does not state that a **single** "identified resource" as in claim 1 downloads those multiple URLs.

re: Perkowski, Page 12, Lines 19 - 30

This passage of Perkowski is extremely vague. At best (from the PTO's perspective), it appears to state that "product related information" is stored in a database, and that web site addresses corresponding to the products are also stored in the database. Presumably, the web site addresses are made available to users.

But this passage does not state that **multiple** web site addresses are made available for a **single** product. Thus, those (absent) multiple web site addresses cannot correspond to the claimed "plurality of information suppliers," because they are not present.

Further, even if this passage is interpreted as indicating that **multiple** web site addresses are, in fact, made available for

a **single** product, that only means that a **list** of web site addresses is presented to the user. That does not correspond to claim 1, which recites downloading, from the "information resource address" the information from "a plurality of information suppliers."

re: Perkowski Page 16, Line 14 - Page 17, Line 20

In essence, this passage only states that a "menu of URLs [is] symbolically linked to each corresponding product." But that does not correspond to claim 1.

Claim 1 states

. . . accessing the identified resource
to

download from that resource information
aggregated from the plurality of information
suppliers.

Assuming that the "menu of URLs" in Perkowski corresponds to the "plurality of information suppliers," Perkowski does not show what claim 1 recites. In Perkowski, there is no "information" which was "aggregated from the plurality of information suppliers." Nor is that information "download[ed] from THAT resource." "That resource" is the one identified from the "tag."

Conclusion

Perkowski does not show claim 1.

Claim 2

Claim 2 recites:

2. An interface method for use in accessing information from a plurality of information resources, the method comprising:
machine-reading a tag carried by an item; and
in response to data carried by the tag,
identifying a plurality of information resource addresses carried by the tag
and
accessing the identified resources to download information from those resources.

The PTO relies on the same passages in Perkowski as used to reject claim 1.

Point 1

Claim 2 states that a "plurality of information resources" (such as a plurality of URLs) is identified. Perkowski may show that. However, claim 2 states that this "plurality" is "carried by the tag." That has not been shown in Perkowski.

Applicant requests, under 37 CFR §§ 1.104(c)(2) and 35 U.S.C. § 132, that the PTO specifically identify that claimed "plurality" which is "carried by the tag" in Perkowski.

Point 2

Claim 2 recites:

accessing the identified resources to
download information from those
resources.

"The identified resources" means that **all** the "identified resources" are "accessed." If "the identified resources" correspond to the URLs, or web pages, in Perkowski, then claim 2 is not found in Perkowski. For example, he does not state that the "menu of URLs" on page 17, line 1, is accessed in its entirety. And it is reasonable to assume that only **some** of those URLs are accessed.

An analogy is appropriate. Perkowski's "menu" is like the results of a Google search. When you, or I, perform a Google search, we, in general, do not visit all the web pages identified in the search results. Neither, Applicant submits, does Perkowski's user with respect to Perkowski's "menu."

Claims 8 and 9

The preceding applies to claims 8 and 9.

Claims 3 and 4

Claims 3 and 4 are considered patentable, based on their

parents.

Claims 5 and 6

Claim 5 states that an "information resource" is "carried by the tag." It also states that "information aggregated from [a] plurality of information suppliers" is downloaded from that "resource."

Applicant requests that the following be specifically identified in Perkowski:

- The plurality of information suppliers,
- The information resource.

This applies to claim 6.

Also, claim 6 states that a "plurality of information resource addresses" is "carried by the tag." Applicant requests that this "plurality" be identified in Perkowski.

Applicant points out that the Office Action, page 3, bottom, asserts that a plurality of web pages are downloaded in Perkowski. Applicant disputes this: Applicant interprets Perkowski as retrieving a **list** of URLs, which is a **list of addresses** of web pages, not the web pages themselves.

Further, even if Perkowski downloaded a plurality of web pages (not the addresses), that does not show claim 6. Again, claim 6 states that the "tag" contains the addresses of the web pages. That has not been shown in Perkowski.

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Claim 7

Claim 7 is considered patentable, based on its parent.
Also, the PTO has not shown the "theme" of claim 7. Applicant requests that the them be identified.

Claims 10, 12, 13, 15 - 26

These claims are considered patentable, based on their parents.

RESPONSE TO 103 - REJECTIONS

Claim 11

Claim 11 was rejected on grounds of obviousness, based on Perkowski and Grossweiller. Claim 11 recites:

11. The apparatus of Claim 9, wherein the tag reader comprises a reader/writer capable of writing data to a tag.

Non-Analogous Art

The two references are non-analogous art.

- Perkowski reads a tag on a product, and then looks up information about the product.
- Grossweiller does not read a tag on a product, nor does he look up information about

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the product. The tags in Grossweiller are not associated with products.

Grossweiller uses a collection of different tags, each bearing a different number (or symbol), to issue different commands to a computer. Specifically, Grossweiller discusses a 3-dimensional CAD system, which displays 3-D drawings. He uses each tag to issue a specific command. One tag may "zoom in," another may "rotate."

The two references are non-analogous art. MPEP §2141.01(a) states:

Analogous and Nonanalogous Art

In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.

The Office Action has not shown why Applicant would look to Grossweiller to solve problems which Applicant faces.

No Expectation of Success Shown

Grossweiller is cited to show a writer, which writes to a tag. However, Grossweiller writes data to a tag in order to **alter the**

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commands contained in the tag.

There is no reason to apply that function (altering commands) to Perkowski. Perkowski does not use tags to issue commands to a computer. Instead, Perkowski's tag contains a number which identifies a product.

Thus, the PTO has not show a reason for applying Grossweiller's tag-writing process to Perkowski.

MPEP §706.02(j) states:

Contents of a 35 U.S.C. 103 Rejection

. . .

To establish a prima facie case of obviousness, three basic criteria must be met.

. . .

Second, there must be a reasonable expectation of success.

. . . the reasonable expectation of success must . . . be found in the prior art and not based on applicant's disclosure.

This MPEP section illustrates two problems in the rejection. One is that no expectation of success whatever has been shown. What function does Grossweiller's re-programming (by writing to his tag) perform in Perkowski, and where is the expectation that this function will succeed ?

The second problem is that the references themselves do not show that expectation of success.

No Teaching Given

No teaching in favor of combining the references has been given. A teaching is required.

The rationale given is that the substitution of Grossweiller into Perkowski allows Perkowski to create the tags which Perkowski uses. Such a rationale is not sufficient under section 103.

One reason is that Perkowski **already has** a source of tags. Thus, Perkowski has no need for this particular modification.

A second reason is that this rationale is clearly motivated by hindsight, using Applicant's claims. That is, as 'just explained, Perkowski has no need for a second tag-writer. Plainly, since the addition of the second tag-writer performs no useful function in Perkowski, its addition is motivated by Applicant's claims, in order to provide a combination of references to reject the claims.

No other motivation has been provided, so Applicant's claims must be the sole motivation.

A third reason is that the teaching for combining references must be found in the references themselves. If a reference (such as Perkowski) **does not need** the added element, then the reference implicitly **teaches against** the modification.

Claim 14

Claim 14 was rejected as obvious, based on Perkowski, Grossweiller, and Walter.

"As a Whole" Requirement not Met

However, the rejection does not comply with section 103, which requires that the "subject matter [of the claim] as a whole" must be shown as obvious.

In this case, the Office Action purports to show that

-- a tag reader having excitation means is obvious, based on **two** of the three references, namely, Perkowski and Grossweiller and

-- a tag reader under a surface is obvious, based on two **different** references: Perkowski and Walter.

Restated, the Office Action asserts that a pair of elements (tag-reader-plus-excitation-means) is obvious, based on two references. The Office Action asserts that a **different** pair of elements (tag-reader-under-surface) is obvious, based on two **different** references.

But the Office Action fails to show that the two pairs of elements (tag-reader-plus-excitation-means, and under-surface) are obvious as a whole.

Restated, even accepting arguendo the PTO's assertion as valid, the PTO has merely shown that (1) tag-reader plus excitation-means is obvious, and (2) tag-reader located below the surface is obvious. But the PTO has not shown that (1) plus (2) is obvious.

Stated another way, the PTO has shown, at best, that (1) one sub-set of the claim is obvious, and (2) another sub-set is obvious. That is insufficient. The claim as a whole must be shown as obvious.

No Teaching Given

The rationale given is that, with the tag reader placed below the surface, a tag placed face-down on the surface can be read. Several problems exist in this rationale.

PROBLEM 1

This rationale does not lead to addition of the "excitation means." That is, you can read a face-down tag without the excitation means. Thus, the rationale does not lead to the overall combination of elements recited in the claim.

PROBLEM 2

Grossweiller, by himself, can read face-down tags. Grossweiller teaches radio-frequency tags, in which orientation is

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not relevant. (Column 4, line 47 et seq. See Column 5, line 3, et seq.) Thus, there is no need to read face-down tags.

ADDED CLAIMS


The added claims are seen as allowable, based on their parents. Also, claims 29 and 30 preclude reading onto a web site which merely downloads multiple pieces of information about a product.

CONCLUSION

Applicant requests that the rejections to the claims be reconsidered and withdrawn.

Applicant expresses thanks to the Examiner for the careful consideration given to this case.

Respectfully submitted,


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